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Letter dated 18 March 2016 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit to you herewith Viet Nam's diplomatic note (see annex) regarding the letter dated 28 January 2016 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General of the United Nations (A/70/702) and its annex.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 79 (a).

(*Signed*) **Nguyen** Phuong Nga
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Viet Nam to the United Nations

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Annex to the letter dated 18 March 2016 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the letter dated 28 January 2016 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General (A/70/702) and its annex, has the honour to state Viet Nam's position as follows:

With regard to the disputes between Viet Nam and China over Hoang Sa (Paracel) Archipelago and Truong Sa (Spratly) Archipelago and related issues in the East Sea (South China Sea), Viet Nam's consistent and irreversible position has been expressly stated in the note verbale dated 5 February 2016 from the Permanent Mission of the Socialist Republic of Viet Nam to the United Nations addressed to the Permanent Mission of the People's Republic of China to the United Nations. Viet Nam has ample legal basis and historical evidence to affirm its indisputable sovereignty over Hoang Sa Archipelago and Truong Sa Archipelago. Successive Vietnamese Governments have peacefully and continuously exercised and defended Viet Nam's sovereignty over the two archipelagos since at least the seventeenth century. In 1974 and 1988 respectively, China used force to illegally occupy Hoang Sa Archipelago of Viet Nam and some features of Truong Sa Archipelago of Viet Nam. Such illegal acts have blatantly violated the Charter of the United Nations and seriously infringed upon the territorial integrity of Viet Nam. For that reason, Viet Nam completely rejects the position of China on the question of Viet Nam's sovereignty over Hoang Sa Archipelago and Truong Sa Archipelago as stated in the above-mentioned letter dated 28 January 2016 and its annex.

As a peace- and justice-loving nation, over the past years, Viet Nam has repeatedly requested China to settle all the disputes and differences in the East Sea through peaceful means in accordance with international law. China not only rejected Viet Nam's proposal to negotiate the issue of the sovereignty over Hoang Sa Archipelago but also unreasonably and unjustifiably refused to accept the existence of the undeniable disputes over Hoang Sa Archipelago of Viet Nam, which was explicitly acknowledged by China's High-level Leader in 1975. In addition, since the start of this year, China has conducted a series of activities to expedite its militarization process in the South China Sea, thus exacerbating the existing tensions and threatening regional peace and stability. For example, China conducted test flights to the airfield illegally built on Đá Chữ Thập (Fiery Cross Reef) of Truong Sa Archipelago, constructed helicopter bases on Quang Hòa (Duncan) Island of Hoang Sa Archipelago, deployed HQ-9 surface-to-air missile batteries and J-11 Flanker fighters on Phú Lâm (Woody) Island of Hoang Sa Archipelago and installed radar facilities on Châu Viên (Cuarteron) Reef of Truong Sa Archipelago.

Viet Nam completely rejects China's assertion that "the Vietnamese side ... refused to fulfil its obligations ... and obstructed China's test flights". This assertion of China is groundless and unjustifiable. The fact was that, on 30 December 2015, the representative from the Embassy of the People's Republic of China in Viet Nam met with the representative from the Ministry of Foreign Affairs of Viet Nam, and verbally conveyed that the Chinese Civil Aviation authorities would use Cessna 680 aircraft to conduct some test flights from Sanya Phoenix Airport, Hainan Island, to

the airfield illegally built on Đá Chữ Thập of Viet Nam's Truong Sa Archipelago. In response to China's verbal communication of 30 December 2015, Viet Nam's representative immediately expressed deep concern, regarded the flights conducted by such civil aircraft to Đá Chữ Thập as a violation of Viet Nam's sovereignty over Truong Sa and therefore requested China not to conduct the flights. With regard to China's assertion that China's civil aviation authorities had previously, on 28 December 2015, notified Viet Nam's civil aviation authorities about the flights, Viet Nam declares that, having examined 19,000 aeronautical messages on that day, Viet Nam's civil aviation authorities confirmed that no information whatsoever was received from China about the flights, and China has not so far provided any compelling evidence or proof to the contrary.

Despite Viet Nam's concern and objection, China deliberately conducted test flights by civil aircraft to Đá Chữ Thập that crossed high-density air traffic service routes in the Ho Chi Minh flight information region, without any flight plans filed at the appropriate air traffic service units or any radio contacts with the Ho Chi Minh area control centre in accordance with relevant regulations of the International Civil Aviation Organization (ICAO). The civil aviation operations of China violated applicable international rules and regulations in respect of aviation safety and security, in particular as they directly endangered civil aviation operations in the Ho Chi Minh flight information region. This civil aviation operation of China has been brought by Viet Nam to the attention of ICAO and the international civil aviation community.

Viet Nam always adheres to and fulfils its rights and obligations and vehemently condemns and firmly opposes any unilateral action affecting regional peace, security and stability. At the same time, Viet Nam strongly supports efforts to strengthen cooperation, reduce tensions and resolve disputes by peaceful means in accordance with international law. Viet Nam hopes that China honours its international commitments, such as the prohibition of the use or threat of use of force and the peaceful settlement of international disputes, and makes "its actions match its words". Viet Nam also hopes that China will make a practical contribution to the maintenance of peace and stability in the region and to the minimization of the risks of potential conflict in the East Sea; together with Viet Nam and other countries, strictly complies with the Declaration on the Conduct of Parties in the South China Sea; and actively participates in substantive negotiations for an early conclusion of the code of conduct. Once again, Viet Nam reaffirms its consistent position on settling all disputes and differences with China relating to the East Sea, including the above-mentioned actions by China, through negotiations or any other peaceful means, as provided under applicable international legal instruments.